

JUDGE CROTTY

CV 11266 CROTTY, J.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANCILE SECURITIES COMPANY LIMITED,

Plaintiff,

v.

SOLO VIVO INDUSTRIA E COMERCIO DE
FERTILIZANTES LTDA

Defendant.

ECF CASE

CIVIL ACTION NO. _____

ORDER DIRECTING CLERK TO
ISSUE PROCESS OF MARITIME
ATTACHMENT AND
GARNISHMENT

Upon reading and filing the Verified Complaint of Plaintiff verified on the 13th day of December, 2007, and the declaration of Wendy H. Schwartz, Esq., declared to on the 13th day of December, 2007, that to the best of her information and belief, Defendant cannot be found within this District, and the Court having found that the conditions required by Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure exist,

NOW, upon motion of Wendy H. Schwartz, member of Reed Smith LLP, counsel for plaintiff, it is hereby,

ORDERED that the Clerk of this Court is authorized to issue the Process of Maritime Attachment and Garnishment against all claims, assets, cash, funds credits, wire transfers, electronic funds transfers, accounts, letters of credit, freights, sub-freights, charter hire and/or sub-charter hire, of, belonging to, due to, claimed by, being held for or on behalf of, or being transferred for the benefit of Defendant **SOLO VIVO INDUSTRIA E COMERCIO DE FERTILIZANTES LTDA**, including such assets as may be in the possession, custody or control of, or being transferred through any garnishee within this District, including, without limitation, assets held by or at:

- a. The Bank of New York, and/or
- b. Citibank N.A., and/or
- c. HSBC Bank USA, N.A., and/or
- d. JPMorganChase, and/or
- e. UBS AG, and/or
- f. Bank of America, N.A., and/or
- g. Standard Chartered Bank, and/or
- h. Northern Trust Corporation, and/or
- i. American Express Bank, and/or
- j. Credit Suisse First Boston, and/or
- k. Macquarie Bank Ltd., and/or
- l. Nordea Bank Denmark, and/or
- m. Belfolaise Bank, and/or
- n. Australia and New Zealand Banking Group Limited, and/or
- o. Nordea Bank Finland Plc, and/or
- p. Fortis Financial Services LLC, and/or
- q. Fortis (USA) Financial LLC, and/or
- r. Macquarie Corp. Finance USA Inc., and/or
- s. Macquarie Equities USA Inc., and/or
- t. Macquarie Holdings USA Inc. and/or
- u. ANZ (Delaware) Inc., and/or
- v. Calyon Corporate and Investment Bank, and/or
- w. Bank of China, and/or
- x. Deutsche Bank, and/or
- y. Danske Bank, and/or
- z. Barclays Bank, and/or
- aa. Banque Cantonale de Geneva, and/or
- bb. BNP Paribas, and or
- cc. Commerce Bank,

and said Order being equally applicable to any other garnishees upon whom a copy of the Process of Maritime Attachment and Garnishment herein may be served, in an amount up to and including 4,607,457.42, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED, that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court be entitled to a prompt hearing at which the Plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED, that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

ORDERED, that following initial service upon any garnishee by the United States Marshall or any other person designated and authorized by Order to make service in this action, subsequent and/or supplemental service of Process of Maritime Attachment and Garnishment may thereafter be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served; and it is further

ORDERED, that each garnishee so personally served shall promptly furnish to the United States Marshall or any other person designated and authorized by Order to make service in this action, a facsimile number or e-mail address at which supplemental and/or subsequent service to the designated facsimile number or e-mail address shall be deemed service within the District; and it is further

ORDERED, that service on any garnishee herein is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made

commencing from the time of such service through the opening of garnishee's business the next business day.

ORDERED, that a copy of this Order be attached to and served with the said

Process of Maritime Attachment and Garnishment.

Dated: December 19, 2007 *PR*
New York, New York

SO ORDERED:

Paul H. Kelly
U.S.D.J.

[Handwritten signature]